

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

JONATHAN MUNT, GLORIA J. HARMON,
and SANDRA M. WINGERS, individually,
and as Representatives of a Class of
Participants and Beneficiaries of the
WEC Energy Group Employee Retirement
Savings Plan,

Case No. 2:22-cv-00555-JPS

Plaintiffs,

Hon. J P Stadtmueller

v.

WEC ENERGY GROUP, INC., and
WISCONSIN ENERGY INVESTMENT TRUST
POLICY COMMITTEE,

Defendants.

**DEFENDANTS' MOTION TO FILE CONFIDENTIAL INFORMATION AND
DOCUMENTS AS RESTRICTED DOCUMENTS**

Pursuant to Gen. L.R. 79(d), Defendants WEC Energy Group, Inc. and the Wisconsin Energy Investment Trust Policy Committee (collectively, "Defendants"), by and through their undersigned counsel, hereby request that certain information stated in Defendants' Opposition to Plaintiffs' Expedited Nondispositive Motion for Leave to File a Third Amended Complaint, as well as certain information in Exhibit A, and Exhibits B through E attached to the Opposition, be filed as Restricted Documents.

In support of this motion, Defendants state as follows:

1. On July 1, 2022, the Parties filed a Joint Motion for Entry of a Protective Order and Confidentiality Agreement. ECF No. 14.

2. On July 7, 2022, the Court granted the Parties' Motion for Protective Order and further provided instructions on motion practice involving the Parties seeking to have documents filed either as "restricted" or "sealed." ECF No. 16.

3. Defendants have produced documents and information that have been designated CONFIDENTIAL pursuant to the Protective Order and Confidentiality Agreement throughout the course of this litigation. This includes information that reveals sensitive commercial and financial information that Defendants and Fidelity (not a party to this action) maintain as confidential.

4. Defendants request that the below information and documents be filed as restricted documents to maintain confidentiality:

- Defendants' Opposition contains references to information concerning the pricing of Fidelity's recordkeeping services and the structure of payment, which is sensitive commercial and financial information that Defendants and Fidelity maintain is confidential.
- Exhibit A to Defendants' Opposition is a redline PDF of Plaintiffs' Second Amended Complaint against Plaintiffs' proposed Third Amended Complaint. This Exhibit contains references to information concerning the pricing of Fidelity's recordkeeping services and the structure of payment, which is sensitive commercial and financial information that Defendants and Fidelity maintain is confidential.
- Exhibit B to Defendants' Opposition is an email correspondence between counsel for the Parties. The emails contain references to information concerning the pricing of Fidelity's recordkeeping services and the structure of payment, which is

sensitive commercial and financial information that Defendants and Fidelity maintain is confidential.

- Exhibit C to Defendants' Opposition is a "Statement of Services and Compensation for the WEC Energy Group Employee Retirement Savings Plan," otherwise referred to as a 408(b)(2) Disclosure. This document contains information concerning the pricing of Fidelity's recordkeeping services and the structure of payment, which is sensitive commercial and financial information that Defendants and Fidelity maintain is confidential.
- Exhibit D to Defendants' Opposition is excerpts from a "Fidelity Report for WEC Energy Group Employee Retirement Savings Plan," otherwise referred to as a Fee Transparency Report. This document contains information concerning the pricing of Fidelity's recordkeeping services and the structure of payment, which is sensitive commercial and financial information that Defendants and Fidelity maintain is confidential.
- Exhibit D is excerpts from the March 7, 2023 Deposition of Kevin Brannick. Mr. Brannick is a Fidelity employee. Fidelity and Mr. Brannick are not parties to this action. The deadline to submit Confidentiality Designations for this transcript is April 13, 2023 and filing the entirety of the excerpts as a restricted document allows the Parties to maintain confidentiality while they designate portions of the transcript as confidential. In addition, the transcript excerpts contain information concerning the pricing of Fidelity's recordkeeping services and the structure of payment, which is sensitive commercial and financial information that Defendants and Fidelity maintain is confidential.

5. Defendants request to restrict information and documents only to the extent necessary to maintain the confidentiality of sensitive commercial and financial information. This request is made in good faith as the information sought to be restricted is maintained as confidential not only by WEC but also Fidelity, who is not a party to this litigation.

6. Pursuant to Gen. L.R. 79(d)(4), Defendants have conferred with Plaintiffs to limit the scope of the information and documents subject to restrictions and they do not oppose Defendants' request.

WHEREFORE, Defendants respectfully request that the unredacted versions of Defendants' Opposition and Exhibits A through E be designated as Restricted Documents pursuant to Gen. L.R. 79 and this Court's procedures.

Dated: March 16, 2023

Respectfully submitted,

/s/Megan E. Troy

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Attorneys for Defendants

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on March 16, 2023, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Megan E. Troy
Megan E. Troy